

Remarks

Applicant has carefully reviewed the application light of the December 13, 2007 Office Action. For at least the reasons presented below, Applicant submits that the currently pending claims are distinguishable over the cited patent literature. Applicant therefore requests favorable action for this case.

Double Patenting Rejections

The Examiner provisionally rejects claims 1-38 under the judicially created doctrine of nonstatutory double patenting for being unpatentable over claims 1-38 of U.S. Patent Application No. 10/431,193. Detailed Action ¶¶ 2-3. As the Examiner recognizes, this rejection is provisional because the conflicting claims have not been patented.

Because neither the claims in the current application nor the claims in the '193 application have been patented, much less allowed, Applicant requests that this rejection be held in abeyance. At this point in time, it is difficult to predict what the final content of the claims will include and, hence, whether the double patenting rejection will continue to be applicable. When one set of claims reaches a finalized state, Applicant invites the Examiner to revisit this issue and determine whether the rejection is still proper. If this issue cannot be held in abeyance, Applicant requests the Examiner to notify its below-listed attorney so that appropriate steps can be undertaken to overcome this rejection.

Section 103 Rejections

The Examiner rejects claims 1-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Pub. No. 2004/0162802 naming Jeffery Jonas as the inventor ("Jonas"). Detailed Action ¶ 5. Applicant disagrees.

To render a claim prima facie unpatentable under § 103 based on a reference, an Examiner must establish that the reference or the knowledge generally available to one skilled in the art provide a reason for modifying the reference, that there is a reasonable expectation of success in making the modification, and that the modified reference teaches or suggests all of the claim's limitations. M.P.E.P. § 2143. Furthermore, the modified reference cannot alter the

principle of operation of the reference. Id. Jonas, however, fails to teach or suggest all of the limitations of any of claims 1-38.

Claim 1 is an independent claim containing limitations not taught or suggested by Jonas.

Claim 1 recites:

A method for communication path analysis, the method comprising:
retrieving a first communication path rule and a second communication path rule for an access control device, each rule comprising at least one path attribute type specifying at least one attribute range and at least one path operation type specifying at least one operation;
inserting the first rule into a database;
determining, for at least one path attribute type, whether at least a portion of an attribute range of the second rule corresponds to at least a portion of an attribute range of the first rule; and
when at least a portion of an attribute range of the second rule does not correspond to at least a portion of an attribute range of the first rule for the analyzed path attribute type, inserting the non-corresponding portion of the attribute range of the second rule into the database, along with the at least one operation of the second rule.

Nowhere, however, does Jonas teach or suggest “retrieving a first communication path rule and a second communication path rule for an access control device, each rule comprising at least one path attribute type specifying at least one attribute range and at least one path operation type specifying at least one operation” and “determining, for at least one path attribute type, whether at least a portion of an attribute range of the second rule corresponds to at least a portion of an attribute range of the first rule.” Quite to the contrary, Jonas simply teaches comparing records in a second data set against records in a first data set. ¶¶ 30-31. The records in Jonas may, for example, represent listings in a telephone directory. ¶ 6. Thus, Jonas fails to teach or suggest these limitations of claim 1.

The Examiner apparently recognizes Jonas’ failings in this regard and, hence, finds that it would have been obvious to use Jonas’ database management technique on any data, including communication path rules. Detailed Action ¶ 6. Jonas, however, provides no teaching or suggestion regarding “determining, for at least one path attribute type, whether at least a portion of an attribute range of the second rule corresponds to at

least a portion of an attribute range of the first rule.” In fact, no teaching or suggestion regarding attribute ranges even exists in Jonas. Thus, there is no basis for finding that Jonas’ technique would work on the recited communication path rules.

Jonas also fails to teach or suggest that “when at least a portion of an attribute range of the second rule does not correspond to at least a portion of an attribute range of the first rule for the analyzed path attribute type, inserting the non-corresponding portion of the attribute range of the second rule into the database, along with the at least one operation of the second rule.” As noted previously, Jonas provides no guidance on how to deal with such rule communication path rules. Not surprisingly then, the operations prescribed by Jonas for comparing records are not the same as those recited by the claim. This makes it entirely unclear how Jonas would treat a comparison of the recited communication path rules, resulting in an inability to determine how Jonas would process the rules after the comparison. In order to be comprehensive, however, both sets of resulting operations due to the comparisons in Jonas will be analyzed below.

Jonas calls for a record from a second data set to either match or not match a record in a first data set (operation 34). ¶ 31; Fig. 2. If the second record does match a record in the first data set, Jonas calls for determining whether any changes are reflected in the second record (operation 38). *Id.* The case when no changes are reflected in the second record is irrelevant to this claim limitation because it would not meet the condition “when at least a portion of an attribute range of the second rule does not correspond to at least a portion of an attribute range of the first rule for the analyzed path attribute type.” For the case when changes are reflected in the second record, Jonas calls for specifying a modify directive (operation 40), which would replace the matched record in the database with the second record. ¶ 31; Fig. 2. But this does not comport with the recited operation of “inserting the non-corresponding portion of the attribute range of the second rule into the database, along with the at least one operation of the second rule.” Moreover, using Jonas’ operations would create situations in which data of the first rule is deleted, which is not what the limitation requires. Thus, Jonas fails to teach or suggest any useful operations if the comparison results in this conclusion.

On the other hand, if the second record did not match a record in the first data set, Jonas calls for the second record to be added to the database including the first record (operation 52). ¶ 33; Fig. 2. Again, however, this would not meet the recited limitation of “inserting the non-corresponding portion of the attribute range of the second rule into the database, along with the at least one operation of the second rule.” Moreover, this could end up with the database having redundant rule entries, which is what the limitation is trying to avoid. Thus, Jonas fails to teach or suggest any useful operations if the comparison results in this conclusion, leaving Jonas teaching or suggesting nothing of relevance for either conclusion.

Applicant notes the Examiner’s assertion to the contrary, Detailed Action ¶ 6, but the portion of Jonas on which the Examiner relies contains no relevant teachings, ¶¶ 17-18. It merely summarizes the more detailed discussion in Jonas’ detailed description, which has already been shown to be of no consequence to the recited limitations.

For at least these reasons, Applicant submits that Jonas fails to teach or suggest all of the limitations of claim 1. Applicant therefore requests the Examiner to withdraw the § 103 rejection of this claim.

Claims 2-11 depend from claim 1 and, hence, contain all of its limitations, which have already been shown to distinguish over Jonas. Claims 2-11 also contain additional limitations that Jonas fails to teach or suggest.

Claim 7, for example, specifies that “determining whether an attribute range of the second rule corresponds to an attribute range of the first rule for at least one path attribute type comprises performing a set difference operation between the attribute range of the second rule and the attribute range of the first rule for the at least one path attribute type; and inserting an attribute of the second rule that does not correspond to an attribute of the first rule into the database comprises inserting the results of the set difference operation into the database.” Nowhere, however, does Jonas teach or suggest attribute ranges, much less performing a set difference operation between attribute ranges and/or inserting the results of the set difference operation into a database. See, e.g., ¶¶ 30-36. Applicant notes the Examiner’s assertion to the contrary, Detailed Action ¶ 12, but the portion of Jonas on which the Examiner relies at best discloses that a data match may be made on less than identical data, ¶ 31. This teaches or

suggests nothing regarding attribute ranges, performing a set difference operation between attribute ranges, and/or inserting the results of the set difference operation into a database. Thus, Jonas fails to teach or suggest the limitations of this claim.

As another example, claim 8 specifies that “inserting the portion of the attribute range of the second rule that does not correspond to the portion of the attribute range of the first rule into the database comprises attempting to group at least one type of non-corresponding attributes of the second rule into ranges.” Nowhere, however, does Jonas teach or suggest anything regarding grouping attributes into ranges. See, e.g., ¶¶ 30-36. Applicant notes the Examiner’s assertion to the contrary, Detailed Action ¶ 13, but the portion of Jonas on which the Examiner relies discloses nothing about ranges, much less grouping attribute ranges, ¶ 31.

As a further example, claim 9 recites “retrieving a first communication path rule for a second access control device; and inserting the first communication path rule for the second access control device into the database.” Jonas, however, makes no mention of records for a second device. See, e.g., ¶¶ 30-36. Applicant notes the Examiner’s assertions to the contrary, Detailed Action ¶ 14, but the portion of Jonas on which the Examiner relies merely teaches comparing records in two data sets, ¶ 31. The two data sets in Jonas, however, represent the same data. ¶¶ 4-6. That is, Jonas is designed to resolve the differences between two data sets having the same purpose, such as an older phone directory and a newer phone directory. Thus, Jonas has no teachings or suggestions regarding communication path rules for a second access control device.

As an additional example, claim 11 specifies that “determining whether at least a portion of an attribute range of the second rule corresponds to at least a portion of an attribute range of the first rule for at least one path attribute type is performed for a set of communication path operations.” Nowhere, however, does Jonas teach or suggest analyzing an attribute range for a set of communication path operations. See, e.g., ¶¶ 30-36.

For at least these reasons, and for the reasons given with respect to claim 1, Applicant submits that claims 2-11 are distinguishable over Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection of these claims.

Claim 12 is another independent claim, and contains limitations analogous to those of claim 1. For at least the reasons given with respect to claim 1 therefore, Applicant submits that

claim 12 is also distinguishable over Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection of this claim.

Claims 13-19 depend from claim 12 and, hence, contain all of its limitations, which have already been shown to distinguish over Jonas. For reasons analogous to those discussed with respect to claims 2-11, claims 13-19 also contain additional limitations that Jonas fails to teach or suggest. Applicant therefore requests the Examiner to withdraw the § 103 rejection of these claims.

Claim 20 is an additional independent claim that contains limitations analogous to those of claim 1. For at least the reasons given with respect to claim 1 therefore, Applicant submits that claim 20 is also distinguishable over Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection of this claim.

Claims 21-28 depend from claim 20 and, hence, contain all of its limitations, which have already been shown to distinguish over Jonas. For reasons analogous to those discussed with respect to claims 2-11, claims 21-28 also contain additional limitations that Jonas fails to teach or suggest. Applicant therefore requests the Examiner to withdraw the § 103 rejection of these claims.

Claim 29 is another independent claim. Claim 29 recites:

A method for communication path analysis, the method comprising:
receiving a database query for a database comprising communication path rules for an access control device, each rule comprising at least one path attribute type specifying at least one attribute and at least one path operation type specifying at least one operation;
searching the database for rules that satisfy the query; and
generating a user interface to present the results of the search.

Nowhere, however, does Jonas teach or suggest “receiving a database query for a database comprising communication path rules for an access control device, each rule comprising at least one path attribute type specifying at least one attribute and at least one path operation type specifying at least one operation.” In fact, Jonas makes no mention of a database for communication path rules, much less receiving a query for such. Moreover, the Examiner does not indicate any teachings in this regard. Detailed Action ¶ 17. For at least these reasons,

Applicant submits that Jonas fails to teach or suggest the limitations of claim 29 and, hence, requests the Examiner to withdraw the § 103 rejections thereof.

Claims 30-33 depend from claim 29 and, hence, contain all of its limitations, which have already been shown to distinguish over Jonas. Claims 30-33 also contain additional limitations that Jonas fails to teach or suggest. For example, claim 33 specifies that "the database comprises a communication path rule for a second access control device." As discussed with respect to claim 9, however, Jonas contains no teachings regarding a communication path rule for a second access control device. Thus, Jonas fails to teach or suggest all of the limitations of claim 33. For at least these reasons, and for the reasons give with respect to claim 29, Applicant submits that claims 30-33 possess limitations not taught by Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection thereof of these claims.

Claim 34 is an independent claim that contains limitations analogous to those of claim 29. For at least the reasons given with respect to claim 29 therefore, Applicant submits that claim 34 is also distinguishable over Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection of this claim.

Claims 35-37 depend from claim 34 and, hence, contain all of its limitations, which have already been shown to distinguish over Jonas. For reasons analogous to those discussed with respect to claims 30-33, claims 35-37 also contain additional limitations that Jonas fails to teaches or suggests. Applicant therefore requests the Examiner to withdraw the § 103 rejection of these claims.

Claim 38 is an additional independent claim that contains limitations not taught or suggested by Jonas. Claim 38 recites:

A system for communication path analysis, the system comprising:
a communication rule analyzer comprising:
a relational database operable to store, receive queries for, and
search communication path rules, each rule comprising at least two path attribute
types specifying at least one attribute and at least one path operation type
specifying at least one operation, the database comprising separate tables for the
path attribute types and the path operation type; and
an extraction tool operable to:
retrieve a first communication path rule and a second
communication path rule for an access control device,
insert the first rule into the database,

perform a set difference operation between path attribute
types of the second rule and the first rule,
insert the result of the difference operation into the
database, along with the at least one operation of the second rule,
retrieve a first communication path rule for a second access
control device, and
insert the rule into the database.

Claim 38 contains limitations analogous to those of claims 1, 7, and 29. For at least the reasons give with respect to those claims, Applicant submits that claim 38 is also distinguishable over Jonas. Applicant therefore requests the Examiner to withdraw the § 103 rejection of this claim.

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Page : 10 of 10

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Conclusion

Applicant submits that a good faith effort has been made to advance the prosecution of this application and that the application is distinguishable over the ripe rejections expressed in the Office Action. Applicant therefore requests favorable action for this case. If, however, any issues exist that may be advanced by telephone conference, Applicant requests that the Examiner contact its below-listed attorney.

Applicant believes that all of the Examiner's ripe objections and rejections to the application have been addressed. Thus, Applicant's failure to address any objections or rejections should not be taken as acquiescence to any finding of the Examiner. Moreover, Applicant's arguments herein against the Examiner's findings should not be construed as Applicant's only basis for countering the findings. Applicant has made these arguments to illustrate the errors in the Examiner's findings and to expeditiously move the case forward.

Applicant does not believe that this paper requires any adjustment in fees. If, however, Applicant is mistaken, please apply any charges or credits to deposit account 05-0765.

Respectfully submitted,

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